

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AGERE SYSTEMS, INC., et al.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO.
	:	02-cv-3830 (LDD)
	:	
ADVANCED ENVIRONMENTAL	:	
TECHNOLOGY CORPORATION, et al.,	:	
	:	
Defendants.	:	
	:	

**HANDY & HARMAN TUBE COMPANY, INC.'S MOTION  
IN LIMINE TO BAR PLAINTIFFS AND CO-DEFENDANTS FROM  
INTRODUCING INTO EVIDENCE (1) SELECTED PAGES FROM A 1992  
REPORT AND (2) A FEBRUARY 1973 INVOICE**

Defendant, Handy & Harman Tube Company, Inc. (H&H Tube"), by and through its undersigned counsel, Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, hereby moves the Court *in limine* to bar Plaintiffs and co-Defendants from introducing into evidence (1) selected pages from a 1992 report and (2) a February 1973 invoice. In support of this motion, H&H Tube avers as follows:

1. Plaintiffs have indicated in their Trial Exhibit List that they intend to rely upon selected pages from a 1992 report and a February 1973 invoice.
2. The co-Defendants have likewise indicated in their respective Trial Exhibit Lists that they intend to rely upon selected pages from a 1992 report and a February 1973 invoice.
3. The selected pages from a 1992 report cannot be authenticated, cannot be admitted due to the lack of completeness, are irrelevant to the claims at issue in this action and are, therefore, inadmissible.

4. Similarly, the 1973 invoice cannot be authenticated, is not a business record, and is therefore inadmissible.

5. For the reasons set forth in the accompanying memorandum, H&H Tube's motion *in limine* to bar Plaintiffs and co-Defendants from introducing into evidence selected pages from a 1992 report and a February 1973 invoice should be granted.

WHEREFORE, Handy & Harman Tube Company respectfully requests that the Court grant H&H Tube's motion *in limine*.

Respectfully submitted,

CARELLA, BYRNE, BAIN, GILFILLAN,  
CECCHI, STEWART & OLSTEIN

By:  MF1386

MELISSA E. FLAX  
JOHN M. AGNELLO  
5 Becker Farm Road  
Roseland, New Jersey 07068

Attorneys for Defendant,  
Handy & Harman Tube Company, Inc.

Dated: May 23, 2008

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this date caused true and correct copies of the attached Motion *In Limine* To Bar Plaintiffs and Co-Defendants From Introducing Into Evidence (1) Selected Pages From A 1992 Report And (2) A February 1973 Invoice to be served on all counsel of record via Electronic Filing and email, addressed as follows:

#### **Plaintiffs:**

Glenn A. Harris, Esq.  
Amy J. Trojecki, Esq.  
Ballard Spahr Andrews & Ingersoll, LLP  
Plaza 1000 – Suite 500  
Main Street  
Voorhees, New Jersey 08043-4636  
Tel: (856) 761-3400  
Fax: (856) 761-1020  
E-mail: [harris@ballardspahr.com](mailto:harris@ballardspahr.com)

#### **Defendants:**

##### ***Advanced Environmental Technology Corp.***

Laurie Sands, Esq.  
Wolff & Samson, P.C.  
One Boland Drive  
West Orange, NJ 07052  
Phone: (973) 740-0500  
Fax: (973) 740-1407  
Email: [lsand@wolffsamson.com](mailto:lsand@wolffsamson.com)

##### ***Carpenter Technology Corporation***

Lynn Wright, Esq.  
Edwards & Angell  
750 Lexington Avenue  
New York, NY 10022  
Phone: 212-756-0215  
Fax: 888-325-9169  
Email: [lwright@ealaw.com](mailto:lwright@ealaw.com)

##### ***Ashland, Inc.***

Richard Biedrzycki, Esq.  
Phelan, Pettit & Biedrzycki  
Suite 1600  
The North American Building, 121 South  
Broad Street  
Philadelphia, Pennsylvania 19107  
Phone: (215) 546-0500  
Fax: (215) 546-9444  
Email: [rbiedrzycki@pp-b.com](mailto:rbiedrzycki@pp-b.com)

##### ***NRM Investment Co.***

Edward Fackenthal, Esq.  
Law Office of Edward Fackenthal  
One Montgomery Plaza, Suite 209  
Norristown, PA 19401  
Phone: 610-279-3370  
Fax: 610-279-0696  
Email: [edwardfackenthal@cs.com](mailto:edwardfackenthal@cs.com)

***Etched Circuits, Inc. & Fcg, Inc. (Flexible  
Circuits)***

Seth Cooley, Esq.

Duane Morris

One Liberty Place

Philadelphia, Pennsylvania 19103-7396

Phone: (215) 979-1818

Fax: (215) 979-1020

Email: [scooley@duanemorris.com](mailto:scooley@duanemorris.com)

 MF1386  
MELISSA E. FLAX

Dated: May 23, 2008